

House Bill 1338 (AS PASSED HOUSE AND SENATE)

By: Representatives Wilkinson of the 52<sup>nd</sup>, Kidd of the 141<sup>st</sup>, Collins of the 27<sup>th</sup>, Maddox of the 127<sup>th</sup>, Cox of the 102<sup>nd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 40-6-228 of the Official Code of Georgia Annotated, relating to  
2 enforcement of parking laws relating to persons with disabilities, so as to remove the  
3 requirement that a person appointed to enforce these laws have a disability; to provide  
4 immunity for a person appointed to enforce these laws; to provide for related matters; to  
5 provide for an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 40-6-228 of the Official Code of Georgia Annotated, relating to enforcement  
9 of parking laws relating to persons with disabilities, is amended by revising subsections (a)  
10 and (c) as follows:

11 "(a) Any county or municipal law enforcement agency of the state which is empowered  
12 to enforce the provisions of this part may, in its discretion, appoint any person who is a  
13 citizen of the United States, is of good moral character, and has not previously been  
14 convicted of a felony; ~~and is a person with disabilities as defined in paragraph (5) of Code~~  
15 ~~Section 40-6-221~~ to enforce the provisions of Code Section 40-6-226 within the county or  
16 municipality in which the appointing law enforcement agency exercises jurisdiction. Each  
17 person appointed pursuant to this Code section shall take and subscribe an oath of office  
18 as prescribed by the appointing authority. Any person appointed and sworn pursuant to this  
19 subsection shall be authorized to enforce the provisions of this part in the same manner as  
20 any law enforcement officer of the state or any county or municipality of the state subject  
21 to the limitations provided in subsections (b) and (c) of this Code section."

22 "(c) Neither the state nor any county, municipality, or other political subdivision of the  
23 state or any department, agency, board, or officer of the state or any county, municipality,  
24 or political subdivision of the state shall be liable or accountable for or on account of any  
25 act or omission of any person appointed pursuant to this Code section in connection with  
26 such person's enforcement of the provisions of Code Section 40-6-226. No person

27 appointed pursuant to this Code section shall be liable on account of any act or omission  
28 in connection with such person's enforcement of the provisions of Code Section 40-6-226."

29 **SECTION 2.**

30 This Act shall become effective on July 1, 2010.

31 **SECTION 3.**

32 All laws and parts of laws in conflict with this Act are repealed.